

**Introduced by Senator Chesbro**

February 20, 2003

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An act to amend Section 6107 of, and to add Section 27266 to, the Government Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as introduced, Chesbro. Veterans: recorded documents.

(1) Existing law prohibits any public entity from charging any fee for recording, indexing, or issuing certified copies of specified documents related to service in the armed forces of the United States, including any public record required to apply for and receive benefits from the Veterans Administration or any other federal or state benefits. Existing law further requires that recording, indexing, or issuing certified copies of these documents be rendered on request of a United States official, a claimant or applicant, or the guardian, conservator, or attorney of the claimant or applicant, or any other person acting on behalf of the claimant or applicant.

This bill would provide that any veteran's record that is recorded pursuant to these provisions shall be confidential and that copies of these records may be furnished only to either the person who is the subject of the record upon presentation of proper photo identification, or to a county office that provides veterans' benefits services upon written request of that office. The bill would require a county recorder to keep an index of recorded veteran's records, which would be a public record subject to disclosure under the California Public Records Act.

By imposing new duties on a county recorder, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6107 of the Government Code is  
2 amended to read:

3 6107. (a) No public entity, including the state, a county, city,  
4 or other political subdivision, nor any officer or employee thereof,  
5 including notaries public, shall demand or receive any fee or  
6 compensation for doing any of the following:

7 (1) Recording, indexing, or issuing certified copies of any  
8 discharge, certificate of service, certificate of satisfactory service,  
9 notice of separation, or report of separation of any member of the  
10 armed forces of the United States.

11 (2) Furnishing a certified copy of, or searching for, any public  
12 record ~~which~~ that is to be used in an application or claim for a  
13 pension, allotment, allowance, compensation, insurance  
14 (including automatic insurance), or any other benefits under any  
15 act of Congress for service in the armed forces of the United States  
16 or under any law of this state relating to veterans' benefits.

17 (3) Furnishing a certified copy of, or searching for, any public  
18 record ~~which~~ that is required by the Veterans Administration to be  
19 used in determining the eligibility of any person to participate in  
20 benefits made available by the Veterans Administration.

21 (4) Rendering any other service in connection with an  
22 application or claim referred to in paragraph (2) or (3).

23 ~~(b) The services referred to in subdivision (a) shall be rendered~~  
24 ~~on request of a United States official, the claimant or applicant, or~~  
25 ~~the guardian, conservator, or attorney of the claimant or applicant,~~  
26 ~~or any other person acting on behalf of the claimant or applicant.~~

1     ***(b) Any record of a member or veteran of the armed forces of***  
2     ***the United States recorded pursuant to subdivision (a) shall be***  
3     ***confidential, but an index of these records shall be a public record***  
4     ***subject to disclosure pursuant to Section 6253.***

5     ***(c) A copy of any record furnished pursuant to subdivision (a)***  
6     ***may be made available only to either of the following:***

7         ***(1) To the person who is the subject of the record upon***  
8         ***presentation of proper photo identification.***

9         ***(2) To a county office that provides veterans' benefits services***  
10        ***upon written request of that office.***

11     ***(d) A public officer or employee is liable on his or her official***  
12     ***bond for failure or refusal to render the services.***

13     SEC. 2. Section 27266 is added to the Government Code, to  
14     read:

15     27266. The recorder shall keep an index to all documents of  
16     any member or veteran of the armed forces submitted for  
17     recording pursuant to Section 6107.

18     SEC. 3. Notwithstanding Section 17610 of the Government  
19     Code, if the Commission on State Mandates determines that this  
20     act contains costs mandated by the state, reimbursement to local  
21     agencies and school districts for those costs shall be made pursuant  
22     to Part 7 (commencing with Section 17500) of Division 4 of Title  
23     2 of the Government Code. If the statewide cost of the claim for  
24     reimbursement does not exceed one million dollars (\$1,000,000),  
25     reimbursement shall be made from the State Mandates Claims  
26     Fund.

